

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA, et al. *ex rel.*
MARY BUTNER and DANA BROWN,

Plaintiffs,

v.

ANESTHESIA SERVICES ASSOCIATES, PLLC,
d/b/a COMPREHENSIVE PAIN SPECIALISTS,

Defendants.

Civil Case No. 3:16-cv-0549
Civil Case No. 3:16-cv-0561
Civil Case No. 3:16-cv-1856
Civil Case No. 3:16-cv-0102
Civil Case No. 3:18-cv-0970
(Consolidated)

JUDGE TRAUGER

UNDER SEAL

STATE OF TENNESSEE'S NOTICE OF ELECTION
TO INTERVENE IN PART AND
TO DECLINE TO INTERVENE IN PART

The state of Tennessee hereby notifies the Court, pursuant to Tenn. Code Ann. § 71-5-183(b)(2), of its decision to intervene in part of these actions and to decline to intervene in part of these actions. Tennessee intervenes in the following cases on the same allegations as the United States intervened today. Tennessee declines to intervene in the remaining allegations.

1. *United States and Tennessee ex rel. Mary Butner and Dana Brown v. Anesthesia Services d/b/a Comprehensive Pain Specialists*, **Civil Action No. 3:16-cv-0561**;
2. *United States and Tennessee ex rel. Jennifer Pressotto v. Anesthesia Services d/b/a Comprehensive Pain Specialists*, **Civil Action No. 3:16-cv-1856**;
3. *United States and Tennessee ex rel. Alison Chancellor v. Anesthesia Services d/b/a Comprehensive Pain Specialists*, **Civil Action No. 3:16-cv-0102**; and

4. *United States and Tennessee ex rel. June Kimbrough and Scott Steed v. Anesthesia Services d/b/a Comprehensive Pain Specialists*, **Civil Action No. 3:16-cv-0970.**

Although Tennessee declines to intervene in portions of the actions, it respectfully refers the Court to Tenn. Code Ann. § 71-5-183(c)(3), which allows the relators to maintain the declined portion of the action in the name of Tennessee and that the “action may be dismissed only if the court and the attorney general and reporter ... give written consent to the dismissal and their reasons for consenting.” Tenn. Code Ann. § 71-5-183(b)(1). Therefore, Tennessee respectfully requests that, should either the relators or the defendants ask the Court to dismiss, approve settlement of, or otherwise discontinue any of the declined portion of the case, Tennessee be allowed to be heard before ruling or granting such request.

Furthermore, pursuant to Tenn. Code Ann. § 71-5-183(c)(3), Tennessee respectfully requests that all pleadings in the actions, even as to the non-intervened portions of the cases, be served on Tennessee. Tennessee also requests that all orders issued by the Court be sent to Tennessee’s counsel. Tennessee reserves the right to order any deposition transcripts and to obtain any other discovery produced in this action.

Tennessee reserves the right to intervene in the portions of the cases in which it has declined to intervene today, for good cause, at a later date. Tennessee reserves the right to seek dismissal of the relators’ actions or a portion thereof under Tenn. Code Ann. § 71-5-183(c)(2).

Tennessee further respectfully joins in the United States’ request that the Court issue an Order unsealing this case, except the memoranda filed by the United States and Tennessee in support of their motions to extend the intervention periods or partially lift the seals, which

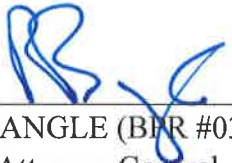
Tennessee respectfully asks the Court to keep under seal, as those filings discuss the content, methods, and extent of the governments' investigations and were provided by law to the Court for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended and the seal to be partially lifted. Those documents we are seeking to remain under seal are described in the United States' Notice of Intervention, filed today.

Finally, Tennessee respectfully requests that it be given 90 days to file a Complaint in Intervention.

A proposed order accompanies this notice.

Respectfully submitted,

STATE OF TENNESSEE
HERBERT H. SLATERY III
Attorney General and Reporter

 April 22, 2019

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CERTIFICATE OF MAILING AND/OR DELIVERY

I hereby certify that on April 22, 2019, I caused to be served the State's Notice of Intervention on the following in the following manner:

By CM/ECF:

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Because this action is under seal, Defendants have not been served with copies of the foregoing notice.


Philip Bangle